

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUST FILM, INC.; RAINBOW BUSINESS
SOLUTIONS, doing business as
PRECISION TUNE AUTO CARE;
BURLINGAME MOTORS, INC.; DIETZ
TOWING, INC.; THE ROSE DRESS,
INC.; VOLKER VON GLASENAPP; JERRY
SU; VERENA BAUMGARTNER; TERRY
JORDAN; LEWIS BAE; and ERIN
CAMPBELL, on behalf of
themselves, the general public
and those similarly situated,

Plaintiffs,

v.

MERCHANT SERVICES, INC.; NATIONAL
PAYMENT PROCESSING; UNIVERSAL
MERCHANT SERVICES, LLC; UNIVERSAL
CARD, INC.; JASON MOORE; NATHAN
JURCZYK; ROBERT PARISI; ERIC
MADURA; FIONA WALSH; ALICYN ROY;
MBF LEASING, LLC; NORTHERN
FUNDING, LLC; NORTHERN LEASING
SYSTEMS, INC.; GOLDEN EAGLE
LEASING, LLC; LEASE SOURCE-LSI,
LLC; LEASE FINANCE GROUP, LLC;
JAY COHEN; LEONARD MEZEI; SARA
KRIEGER; BRIAN FITZGERALD; SAM
BUONO; MBF MERCHANT CAPITAL, LLC;
RBL CAPITAL GROUP, LLC; WILLIAM
HEALY; JOSEPH I. SUSSMAN; JOSEPH
I. SUSSMAN, P.C.; and SKS
ASSOCIATES, LLC,

Defendants.

No. C 10-1993 CW

ORDER DENYING
MOTION FOR LEAVE
TO FILE UNDER SEAL
(DOCKET NO. 385)

Plaintiffs move for leave to seal certain portions of their
motion for class certification, the supporting declaration of
Kristen Simplicio, and portions of their motion for leave to
amend, including Exhibit A thereto. Plaintiffs represent that
Defendants have designated certain information therein as

1 confidential or highly confidential under the protective order
2 entered in this case. Simplicio Decl. ¶ 2.

3 Local Rule 79-5(d) provides that, when a party files an
4 administrative motion seeking to submit material under seal that
5 another party to the action has designated as confidential, the
6 designating party must file a declaration establishing that the
7 information is sealable within seven days after the motion was
8 filed. Civil L.R. 79-5(d). "If the designating party does not
9 file its responsive declaration . . . , the document or proposed
10 filing will be made part of the public record." Id.

11 Defendants have not filed a declaration establishing that
12 these documents are sealable. Accordingly, Plaintiffs' motion to
13 seal is DENIED (Docket No. 385). Plaintiffs shall file these
14 documents in the public record within four days of the date of
15 this Order, pursuant to Civil Local Rule 79-5(e) and General Order
16 62.

17 IT IS SO ORDERED.

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19 Dated: 10/29/2012

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CLAUDIA WILKEN
United States District Judge